



STATE OF IOWA

TERRY BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
BETH TOWNSEND
EXECUTIVE DIRECTOR

Minutes of the August 2, 2012 Meeting of the Iowa Civil Rights Commission

- I. Roll Call:** Chapman, Spicer, Morain, Lipski, Williams (joined the meeting during DeBord hearing)
Staff: Townsend
Public: None
- II. Minutes from April 12, 2012 meeting:** distributed for review; tabled until next meeting pending input from members. **Minutes from June 28, 2012 meeting:** distributed for review and unanimously approved.
- III. Discussions of future Town Hall meetings:**
- Commissioner Chapman to contact local community colleges in Council Bluffs and Burlington to arrange site for town halls scheduled in September. Town hall meetings scheduled for Burlington on September 10th and Council Bluffs in September 18th. Discussed the questions to be asked/answered as part of the conversation starter including the following questions from the 2011 State Fair Questionnaires: Adults: top four basis of complaints, service animals, bullying questions and safe school law as well as what areas are covered by the ICRC. Will distributed updated brochures as well as a hand out of FAQ. Discussed getting input from investigators regarding current issues.
- Commissioner Spicer raised two areas of interest that are currently being discussed and evaluated by the EEOC including the use of credit reports and criminal histories to deny employment. Spicer recommended holding a panel discussion at the next meeting held in Des Moines regarding whether these issues are being reported or experienced in the community. Various suggestions were made regarding individuals to be contacted who may have information helpful on these subjects.
- In the event that there is low or no attendance at scheduled town hall meetings, Commissioners decided to hold a regular commission meeting on September 10th and 18th.
- IV. Executive Director Report** – Discussed ICRC booth at the Iowa State Fair, August 9-19th including distributing a sign up sheet for any commissioners who wanted to attend and work at ICRC booth. Also advised that the non-housing backlog is now at 118 cases and 364 days average age.
- V. Commissioner Reports**
Spicer – Attached
Lipski – No report.
Chapman – No report.
Morain – distributed historical information regarding legislative priorities (attached). Requested that the issue be placed on the agenda for the next meeting to discuss and review.
Morain – No report

VI. Hearing – *DeBord v. Otto*, CP#02-11-60310. Appearing for the ICRC – AGA Teresa Baustain; Mr. Otto on his own behalf. Argument was made by both sides. The issue before the ICRC was whether the record supported an award of emotional distress damages given the ALJ did not award any. Discussions and evidence not considered by the ALJ was not admitted or considered. After all arguments were heard, and questions by Commissioners were heard, Commissioner Spicer moved, Commissioner Lipski seconded to enter closed session for deliberations. A roll call vote was taken: Spicer, Williams, Lipski and Chapman voted yes; Morain voted no.

VII. Closed session

VIII. Return to open session and vote on findings. Commissioners unanimously, after roll call vote to return to open session.

Commissioner Spicer moved, Lipski seconded to accept the ALJ's proposed order as written. Motion not carried. Commissioner Spicer voted yes; Williams, Chapman, Morain and Lipski voted no.

Commissioner Williams moved to accept the ALJ's Proposed Order with modifications. The modification proposed was to award \$1,000 emotional distress damages. Morain seconded. Commissioner Spicer voted no; Williams, Chapman, Morain and Lipski voted yes; motion carried.

Order prepared reflecting Commissions findings and award drafted and signed by all commissioners with Commissioner Spicer dissenting.

Commissioner Spicer stated that she did not condone Mr. Otto's conduct but she believed the Proposed Order and the remedies determined by the ALJ were sufficient based on the record.

Adjournment